

Opening Statement of the Honorable Tim Murphy
Subcommittee on Oversight and Investigations
Hearing on “Continuing Concerns Over BioWatch and the Surveillance of Bioterrorism”
June 18, 2013

(As Prepared for Delivery)

I convene this hearing of the Subcommittee on Oversight and Investigations on “Continuing Concerns Over BioWatch and the Surveillance of Bioterrorism.” We will be examining the effectiveness and efficiency of BioWatch, a Department of Homeland Security (DHS) program that relies heavily on the Centers for Disease Control and Prevention (CDC), and the state and local public health laboratories that are members of the CDC Laboratory Response Network.

BioWatch is an early warning system designed to detect a large-scale, covert attack that releases anthrax or other agents of bioterrorism into the air. BioWatch is an early warning system designed to detect a large-scale, covert attack that releases anthrax or other agents of bioterrorism into the air. The program was launched in January 2003 as this country was preparing for war, and it was intended to protect against threats of state-sponsored programs that may have had anthrax, smallpox, and botulinum.

BioWatch deploys collectors in 34 of the largest U.S. metropolitan areas in outdoor locations, with indoor deployments in three sites, and special event capacity. These collectors hold filters that gather air samples. Every 24 hours, a government worker goes to these collectors, manually retrieves the filters, and takes them to a state or local laboratory for analysis and testing. If the lab testing shows a positive result, called a BioWatch Actionable Result, or BAR for short, government officials review other evidence and information to decide if it is an actual attack, or just the detection of a bacteria in the environment that has similar DNA to the pathogen of concern. Since the program started, there have been 149 BARs, none of them being an actual attack. BioWatch costs about \$85 million a year to operate, with over \$1 billion spent since 2003.

For nine years BioWatch has sought to develop and deploy a more advanced type of technology that would include air sampling and analysis of the samples in the same device, a so-called “lab-in-a-box.” This technology known as Generation 3, is estimated by GAO to cost \$5.8 billion over 10 years. According to a senior CDC official, the cost is “an abomination.”

Unfortunately, after much hype, versions of “lab-in-a-box” technology have failed. One version, BioWatch Generation 2.5, was actually deployed for two years and then halted because it was ineffective. The latest version of technologies for Generation 3, failed testing. About \$300 million has already been spent on these failed detection technologies. Last year, the Senate and House Appropriations Committees removed the \$40 million requested by the administration for Generation 3, and no procurement of this technology can proceed until after the Secretary of Homeland Security certifies that the science is proven.

Almost a year ago, this committee opened this investigation after a National Academy of Sciences (NAS) report in 2011 and an article in the Los Angeles Times in July 2012 noted that the BioWatch system was generating “false positives” or indicating the “the potential occurrence of a terrorist attack when none has occurred.” A DHS official responded, stating that the reports of “false positives” were incorrect and unsubstantiated, and that “there has never been a false positive result.”

However, the committee’s investigation found other serious problems with the BioWatch program, besides the BAR false-positives.

Most troubling is whether we are better prepared to respond to bioterrorism than we were five years ago. Unfortunately, the answer would seem to be no.

The public health workforce has been reduced by 21% over the last five years, with emergency preparedness being hardest hit. Several of the bioterrorism threats we thought we faced in 2003 no

longer apply or have been lessened. According to the DHS expert interviewed by committee staff, recent threat assessments show that a large-scale catastrophic attack is less likely. However, the threat is still dangerous because of certain technological advances and the greater likelihood of smaller-scale attacks that would probably not be detected by BioWatch.

Yet, if the science of Generation 3 is proven, DHS would be expected to pursue the multi-billion dollar Generation 3. We cannot afford another DHS boondoggle. This costly approach is unbalanced and misdirected. It makes no sense to expand outdoor monitoring for a less likely large-scale attack, while not addressing the declining number of public health responders who are needed in any kind of attack. If public health authorities lack the capability to respond, BioWatch will not produce a benefit.

The committee's investigation did not find a strategy reflecting changes in the threat and the reduced resources in the public health workforce. Last July, the president put out a National Strategy for Biosurveillance. He directed that a strategic implementation plan be completed within 120 days. But there is no strategic implementation plan that has been publicly released, and the committee staff have been unable to confirm if this plan even exists.

Once the role of BioWatch is appropriately analyzed in the context of an overarching biodefense strategy, tough questions need to be examined. After ten years of operation, we don't still know if the current BioWatch technology can detect an aerosolized bioterrorism agent in a real-world environment. DHS expects to have this data this fall. We don't know if past management problems have been corrected. Bipartisan committee staff asked DHS to produce documents from an internal DHS investigation of a DHS official's conduct related to BioWatch, but DHS has not done so.

There has been bipartisan and non-partisan concern over BioWatch, including: the Ranking Member of the House Homeland Security Committee, Bennie Thompson; the GAO; the National Academies of Science; Congressman David Price; Democrats and Republicans on the Senate and House Appropriations Committees; House Homeland Security Committee Republicans, Congressman Gus Bilirakis, now a Member of the House Energy and Commerce Committee, and Congressman Dan Lungren. Let's work together to get the right solution.

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